

Region 2

October 6, 2003

DELEGATION OF AUTHORITY -- CERCLA

14-1. Superfund State Contracts and Cooperative Agreements

1. PURPOSE: This order redelegates certain authorities conferred on the Regional Administrator by Delegation 14-1 of the EPA Delegations Manual.

2. AUTHORITY: To enter into a contract and/or cooperative agreement with States, political subdivisions thereof, and Indian Tribes, as appropriate, pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Section 104; 40 CFR Part 35, Subpart O, "Cooperative Agreements and Superfund State Contracts for Superfund Response Actions"; and 40 CFR 300, "National Oil and Hazardous Substances Pollution Contingency Plan" (NCP).

3. TO WHOM REDELEGATED: The Director of the Emergency and Remedial Response Division (ERRD).

4. LIMITATIONS:

a. This authority shall be exercised subject to approved funding levels.

b. This authority does not extend to EPA procurement contracts.

c. The Division Director must obtain the concurrence of the Regional Counsel and the Assistant Regional Administrator for Policy and Management or their designees prior to exercising the authority to grant the State a credit against its cost share for response expenses incurred by the State in accordance with the provision of Sections 104(c) and 104(d).

d. With respect to cooperative agreements, this authority is limited to approval actions. The authority to award (execute) cooperative agreements involving an obligation of funds is currently reserved for the Regional Administrator.

5. FURTHER REDELEGATION: This authority may not be further redelegated.

ORDER

R-1200

6. ADDITIONAL REFERENCES:

a. CERCLA, Sections 101(23), 101(24), 105, 113, 116, 117, 118, 120, 121, and 126.

b. The Federal Grant and Cooperative Agreement Act of 1977, 31 U.S.C. Sections 6301 et seq.

c. 40 CFR Part 31, "Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments."

d. EPA Delegation 1-14, Assistance Agreements.

e. EPA Delegation 1-34, Litigation Representation.

f. EPA Delegation 14-2, Response.

g. EPA Delegation 14-22, Administrative Record and Public Participation.

h. EPA Delegation 14-30, Acquisition of Real Property.

7. SUPERSESSON: This Order supersedes two Regional Orders, both numbered R-1200 and dated October 29, 1998: redelegation of 14-10-A and redelegation of 14-11.

/s/

Jane M. Kenny
Regional Administrator